

IC 9-26

ARTICLE 26. ACCIDENTS AND ACCIDENT REPORTS

IC 9-26-1

Chapter 1. Duties of Drivers, Owners, and Passengers and Accident Reports

IC 9-26-1-1

Duties of driver of vehicle involved in accident resulting in injury or death

Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person shall do the following:

- (1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.
- (2) Immediately return to and remain at the scene of the accident until the driver does the following:
 - (A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.
 - (B) Upon request, exhibits the driver's license of the driver to the following:
 - (i) The person struck.
 - (ii) The driver or occupant of or person attending each vehicle involved in the accident.
 - (C) Determines the need for and renders reasonable assistance to each person injured in the accident, including the removal or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment.
- (3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:
 - (A) The local police department if the accident occurs within a municipality.
 - (B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.
- (4) Within ten (10) days after the accident, forward a written report of the accident to the:
 - (A) state police department, if the accident occurs before January 1, 2006; or
 - (B) bureau, if the accident occurs after December 31, 2005.

As added by P.L.2-1991, SEC.14. Amended by P.L.210-2005, SEC.50.

IC 9-26-1-2

Duties of driver of vehicle involved in accident resulting in damage to vehicle driven or attended by person but not resulting in injury or death

Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person but that does result in damage

to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars (\$1,000), forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005; within ten (10) days after the accident.

As added by P.L.2-1991, SEC.14. Amended by P.L.157-2003, SEC.3; P.L.210-2005, SEC.51.

IC 9-26-1-2.5

Contents of driver's report

Sec. 2.5. Only the following must be included in the written report prepared under sections 1(4) and 2(3) of this chapter by the driver of a motor vehicle involved in an accident:

(1) The name and address of the driver preparing the report.

(2) The date of the accident.

(3) The names and addresses of the drivers of the other vehicles involved in the accident.

(4) If, on the date of the accident, a motor vehicle liability policy was in effect with respect to the motor vehicle driven by the driver preparing the report, the following:

(A) The policy number.

(B) The name of the insurance company that issued the policy.

(C) The name and signature of an agent of the insurance company, who by signing the report verifies that the policy was in effect with respect to the motor vehicle on the date of the accident.

As added by P.L.106-1991, SEC.1.

IC 9-26-1-3

Duties of driver of vehicle colliding with unattended vehicle

Sec. 3. The driver of a vehicle that collides with an unattended vehicle shall immediately stop and do one (1) of the following:

(1) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle.

- (2) Leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and the owner of the vehicle doing the striking and a statement of the circumstances of the accident.

As added by P.L.2-1991, SEC.14.

IC 9-26-1-4

Duties of driver of vehicle causing damage to property other than another vehicle

Sec. 4. (a) The driver of a vehicle that causes damage to the property of another person, other than damage to a vehicle, shall do the following:

- (1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

- (2) Immediately return to and remain at the scene of the accident until the driver does the following:

- (A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.

- (B) Gives the person the driver's name and address and the registration number of the vehicle.

- (C) Upon request, exhibits the driver's license of the driver if the driver is required to have a driving license to operate the vehicle.

- (b) If after reasonable inquiry the driver of the vehicle cannot find the owner or person in charge of the damaged property, the driver of the vehicle shall do the following:

- (1) Notify either the sheriff of the county in which the damaged property is located or a member of the state police department.

- (2) Give the sheriff or state police department the information required by this section.

As added by P.L.2-1991, SEC.14.

IC 9-26-1-5

State police department; requiring reports from witnesses

Sec. 5. The state police department may require witnesses of accidents to submit reports to the state police department.

As added by P.L.2-1991, SEC.14. Amended by P.L.210-2005, SEC.52.

IC 9-26-1-6

Incapacity of driver to make report; report made by occupant or vehicle owner

Sec. 6. (a) If:

- (1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter; and

- (2) there was another occupant in the vehicle at the time of the accident capable of making an immediate or a written report; the occupant shall make or cause to be made the report not made by

the driver.

(b) If:

- (1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;
- (2) there was no other occupant; and
- (3) the driver is not the owner of the vehicle;

the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.
As added by P.L.2-1991, SEC.14.

IC 9-26-1-7

City or town ordinances; accident reports; confidentiality

Sec. 7. (a) A city or town may by ordinance require that the driver of a vehicle involved in an accident file with a designated city or town department:

- (1) a report of the accident; or
- (2) a copy of a report required in this article to be filed with the:
 - (A) state police department; or
 - (B) bureau.

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4.

As added by P.L.2-1991, SEC.14. Amended by P.L.210-2005, SEC.53.

IC 9-26-1-8

Failure to stop and remain at scene of accident resulting in injury or death; failure of driver to fulfill duties following collisions with unattended vehicles or other property; classification of violations

Sec. 8. (a) A person who fails to stop or comply with section 1(1) or 1(2) of this chapter after causing injury to a person commits a Class A misdemeanor. However, the offense is:

- (1) a Class D felony if:
 - (A) the accident involves serious bodily injury to a person; or
 - (B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a); and
- (2) a Class C felony if the accident involves the death of a person.

(b) A person who fails to stop or comply with section 3 or 4 of this chapter after causing damage to the property of another person commits a Class B misdemeanor.

As added by P.L.2-1991, SEC.14. Amended by P.L.96-1996, SEC.2; P.L.97-1996, SEC.2.

IC 9-26-1-9

Failure of driver to give notice of accident resulting in death or injury; failure to stop and to remain at scene of accident resulting

in damage to another driven or attended vehicle; classification of violations

Sec. 9. A person who violates section 1(3), 2(1), or 2(2) of this chapter commits a Class C misdemeanor.

As added by P.L.2-1991, SEC.14.

IC 9-26-1-10

Failure to make required report; notice; hearing; revocation or suspension of driver's license

Sec. 10. The bureau shall, after proper notice is given and a hearing held, revoke or suspend the driver's license of a person who fails to make a report required under section 1(4), 2(3), or 5 of this chapter.

As added by P.L.2-1991, SEC.14.